

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

ANN AVERY CLINTON,

PLAINTIFF

v.

CIVIL ACTION NO. 2:06CV038-P-A

DATASCOPE CORP.,

DEFENDANT

ORDER

In the past, this court has informed counsel of their obligations relating to the Final Pretrial Conference in a civil case via a letter. **Because counsel have failed on a regular basis to comply with those instructions, the court now places those directives in the form of an Order, with which the failure to comply may result in appropriate sanctions, including, but not limited to, a finding of contempt of court.**

The purpose of the final pretrial conference is to secure a just and speedy determination of the issues and prepare the formal pretrial order. Counsel for all parties shall confer in person (face to face) at their earliest convenience for the purpose of arriving at all possible stipulations and for the exchange of copies of documents that will be offered in evidence at the trial. It shall be the duty of counsel for plaintiff to initiate this conference, and the duty of other counsel to respond. If, after reasonable effort, any party cannot obtain the cooperation of other counsel, it shall be his duty to communicate immediately with the Court, sufficiently in advance of the Final Pretrial Conference to allow resolution of the issue before counsel appears at the Final Pretrial Conference.

At the conference between counsel, counsel for all parties shall agree upon the real issues

each party will offer evidence to support, eliminating any issues that might appear in the pleadings about which there is no real controversy. The parties shall agree upon issues of law as well as ultimate issues of fact to be resolved at trial. The parties shall avoid duplication of issues and stipulations. Any disputes will be resolved at the final pretrial conference.

COUNSEL IS FOREWARNED THAT NO PARTY SHALL BE ALLOWED TO LIST IN THE FINAL PRETRIAL ORDER ANY EXHIBIT OR WITNESS NOT DISCLOSED OR PRODUCED AS REQUIRED BY THE FEDERAL RULES OF CIVIL PROCEDURE AND THE LOCAL RULES OF THIS COURT.

Counsel for the parties shall **jointly** prepare a single proposed Final Pretrial Order, with all parties' proposed inclusions, for presentation to the magistrate judge on the date and time of the Final Pretrial Conference as noticed. The final edited version of the Final Pretrial Order shall be submitted to the United States Magistrate Judge as directed by the Magistrate Judge at the Final Pretrial Conference. Strict deadlines in preparing the Final Pretrial Order must be observed because this case has been set for trial. Counsel will be fined \$100.00 per day for each day the Order is late.

ATTORNEYS DESIRING TO BRING CELL PHONES OR LAPTOP COMPUTERS
MUST NOTIFY THE COURT AT LEAST 2 DAYS IN ADVANCE OF THE PROCEEDING
SO COURT SECURITY PERSONNEL MAY BE INFORMED.

This the 14th day of September, 2006.

/s/ S. Allan Alexander

UNITED STATES MAGISTRATE JUDGE